
By: **Senator Giannetti**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Assault Against a Law Enforcement Officer - Penalties**

3 FOR the purpose of establishing the crimes of assault against a certain law
4 enforcement officer in the first and second degrees; prohibiting a person from
5 intentionally causing or attempting to cause serious physical injury to another
6 person knowing or having reason to know that the other person is a certain law
7 enforcement officer; prohibiting a person from committing an assault with
8 certain firearms against certain persons; prohibiting a person from committing
9 an assault against another person knowing or having reason to know that the
10 other person is a certain law enforcement officer; establishing certain penalties;
11 defining a certain term; and generally relating to assault against certain law
12 enforcement officers.

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Law
15 Section 3-201, 3-202, and 3-203
16 Annotated Code of Maryland
17 (2002 Volume)

18 BY adding to
19 Article - Criminal Law
20 Section 3-203.1 and 3-203.2
21 Annotated Code of Maryland
22 (2002 Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Criminal Law**

26 3-201.

27 (a) In this subtitle the following words have the meanings indicated.

1 (b) "Assault" means the crimes of assault, battery, and assault and battery,
2 which retain their judicially determined meanings.

3 (c) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101 OF
4 THE PUBLIC SAFETY ARTICLE.

5 (D) "Serious physical injury" means physical injury that:

6 (1) creates a substantial risk of death; or

7 (2) causes permanent or protracted serious:

8 (i) disfigurement;

9 (ii) loss of the function of any bodily member or organ; or

10 (iii) impairment of the function of any bodily member or organ.

11 3-202.

12 (a) (1) A person may not intentionally cause or attempt to cause serious
13 physical injury to another.

14 (2) A person may not commit an assault with a firearm, including:

15 (i) a handgun, antique firearm, rifle, shotgun, short-barreled
16 shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this article;

17 (ii) an assault pistol, as defined in § 4-301 of this article;

18 (iii) a machine gun, as defined in § 4-401 of this article; and

19 (iv) a regulated firearm, as defined in [Article 27, § 441 of the
20 Code] § 5-101 OF THE PUBLIC SAFETY ARTICLE.

21 (b) [A] EXCEPT AS PROVIDED IN § 3-203.1 OF THIS SUBTITLE, A person who
22 violates this section is guilty of the felony of assault in the first degree and on
23 conviction is subject to imprisonment not exceeding 25 years.

24 3-203.

25 (a) A person may not commit an assault.

26 (b) [A] EXCEPT AS PROVIDED IN § 3-203.2 OF THIS SUBTITLE, A person who
27 violates this section is guilty of the misdemeanor of assault in the second degree and
28 on conviction is subject to imprisonment not exceeding 10 years or a fine not
29 exceeding \$2,500 or both.

1 3-203.1.

2 (A) (1) A PERSON MAY NOT INTENTIONALLY CAUSE OR ATTEMPT TO CAUSE
3 SERIOUS PHYSICAL INJURY TO ANOTHER PERSON KNOWING OR HAVING REASON TO
4 KNOW THAT THE OTHER PERSON IS A LAW ENFORCEMENT OFFICER.

5 (2) A PERSON MAY NOT COMMIT AN ASSAULT WITH A FIREARM AGAINST
6 ANOTHER PERSON KNOWING OR HAVING REASON TO KNOW THAT THE OTHER
7 PERSON IS A LAW ENFORCEMENT OFFICER, INCLUDING WITH:

8 (I) A HANDGUN, ANTIQUE FIREARM, RIFLE, SHOTGUN,
9 SHORT-BARRELED SHOTGUN, OR SHORT-BARRELED RIFLE, AS THOSE TERMS ARE
10 DEFINED IN § 4-201 OF THIS ARTICLE;

11 (II) AN ASSAULT PISTOL, AS DEFINED IN § 4-301 OF THIS ARTICLE;

12 (III) A MACHINE GUN, AS DEFINED IN § 4-401 OF THIS ARTICLE; AND

13 (IV) A REGULATED FIREARM, AS DEFINED IN § 5-101 OF THE PUBLIC
14 SAFETY ARTICLE.

15 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF
16 ASSAULT AGAINST A LAW ENFORCEMENT OFFICER IN THE FIRST DEGREE AND ON
17 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.

18 3-203.2.

19 (A) A PERSON MAY NOT COMMIT AN ASSAULT AGAINST ANOTHER PERSON
20 KNOWING OR HAVING REASON TO KNOW THAT THE OTHER PERSON IS A LAW
21 ENFORCEMENT OFFICER.

22 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
23 MISDEMEANOR OF ASSAULT AGAINST A LAW ENFORCEMENT OFFICER IN THE
24 SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
25 EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2003.